



CANNON BUILDING
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STATE OF DELAWARE
DEPARTMENT OF STATE

DIVISION OF PROFESSIONAL REGULATION

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PUBLIC MEETING MINUTES:	BOARD OF ARCHITECTS
MEETING DATE AND TIME:	Wednesday, March 4, 2009 at 1:30 p.m.
PLACE:	861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware
MINUTES APPROVED:	4/22/2009

MEMBERS PRESENT

Arden Bardol, RA, President
Alvin French, RA, Professional Member
C. Terry Jackson, RA, Professional Member
Kenneth Freemark, RA, Professional Member
Jean N. McCool, RA, Secretary, Professional Member
Toni Bush Neal, Public Member

DIVISION STAFF/DEPUTY ATTORNEY GENERAL

Andrew Kerber, Deputy Attorney General
Kay Warren, Division Deputy Director
Nicole M. Williams, Administrative Specialist II

ABSENT

Julia C. Hopkins, Public Member
Joseph Schorah, Public Member
Sandra C. Mifflin, Public Member

OTHERS PRESENT

Peter Jennings

1.0 CALL TO ORDER

Ms. Bardol called the meeting to order at 1:52 p.m.

2.0 REVIEW OF MINUTES

The Board reviewed the minutes from the January 7, 2009 meeting. Mr. Kerber advised of the corrections to the minutes pertaining to the section entitled Status of Complaint: 07-01-08 Request for Continuance and the section entitled Other Business Before the Board.

Ms. Bardol inquired about the section entitled Correspondence Letter from Dean Berlon in which the minutes state that Delaware does not accept Broadly Experience for licensure but Mr. Kerber advised

that the Board had determined that this was an acceptable route to licensure. Ms. Bardol advised that the minutes seemed to be inaccurate. Mr. Kerber advised the Board that in the past minutes the Board discussed the topic but did not make a final determination as to whether they will accept this route to licensure. Mr. Jennings advised the Board that once an applicant goes through the Broadly Experience Route to certification through NCARB then the person obtains a NCARB certificate. Mr. Kerber reviewed the statute language for reciprocity and the Board determined that there was no action need to be taken in regards to making a formal motion to accepting BEA as a route to licensure. Mr. Kerber advised that the minutes to this section were okay as written.

A motion was made by Mr. French, seconded Mr. Jackson to approve the minutes with the corrections to the above sections. The motion was unanimously approved.

4.0 UNFINISHED BUSINESS

Report on Status of Joint Architecture and Engineer Advisory Committee

Ms. Bardol advised that they still not have a meeting as of yet, but Ms. McCool has been designated to set up the next meeting; therefore this is no updated report from the JAC as of to date.

Ms. Bardol advised of a meeting with members of the AIA and legislative committee members of the AIA to obtain feedback and rational of the investigation that DAPE and other states regarding what engineers and architects can practice on the chart. She advised that they used a lot of useful methodology. Ms. Bardol advised that they modified the chart and came up with an alternative chart for review. Mr. French advised that the Committee discussed this topic and that the engineers where asked to provide some feedback on the revised chart prior to their next meeting.

Ms. Bardol advised that her appointment is up on the JAC and she is willing to stay on until the next person takes over her position. Ms. Bardol advised that she believes this member needs to be an architect member. Mr. French advised that he will take over her position.

Ms. Bardol inquired as to Mr. Jackson's thoughts on this chart. Mr. Jackson advised that he acknowledges that there has been movement made on this chart, however there is still some underlying issues that need to be resolved.

The Board advised of some resistance to this chart regarding what architects and engineers can practice. Ms. Bush inquired if the other professional members of the Board were in agreement or disagreement to the chart. Ms. McCool advised that this chart was set in place to assist in determining what architects can practice and/or what engineers can practice. Ms. Bush advised that developing this type of chart may give the engineers some leverage as to constituting what was agreed upon on between the engineers and the architects.

Ms. Bardol advised that this chart affects all the architects in the State of Delaware which is why the meeting members were designed to include members of representatives of the practice of architecture of the State.

Strategic Planning

Future Revisions to Rules and Regulations

Mr. French advised that the Committee did meet today. He advised that the Committee has an ongoing list on the agenda and that the last meeting date was in November of 2008. He stated that

the Committee discussed the Certificate of Authorization, which Mr. Kerber has an update on for today's meeting and they discussed the chart, which was also discussed earlier in this meeting.

Mr. French inquired to Mr. Kerber if there have been any updates to the list of crimes. Ms. Warren advised that there has been an update, as legislation updates the crimes list annually. Mr. French advised that the Board needs a new list of crimes.

Tracking System for Tallying Complaints

Ms. Bardol advised that there needs to be no discussion on this topic.

Review of Unlicensed Activity Letters

Mr. Kerber advised that the only update he has in regards to the firm Element that they were supposed to have an applicant applying for licensure but in checking with Ms. Williams the applicant has not put in an application for licensure as of to date. Mr. Kerber will follow up with Element. Mr. Bardol advised that there should be a time limit on Element getting this situation corrected. Mr. Kerber advised that in his follow up he will provide them a deadline and inform that if the situation is not taken care by the deadline the company will receive a cease and desist order.

Status of Complaint: 07-01-08 Consent Agreement

Ms. Williams advised the Board that agenda item 3.6 is a status to the complaint in which Ms. Gadbois presented the Board with a consent agreement for their review. Ms. Bardol inquired if Ms. Gadbois could have placed a fine in the consent agreement. Mr. Kerber advised that Ms. Gadbois could have put a fine in the consent agreement but may not have done so since the Bada order did not include a fine. Mr. French advised that in his opinion the disciplinary action in the order is not enough. The Board did not accept the consent agreement. A motion was made by Mr. French, seconded by Ms. McCool to deny the consent agreement. The motion was unanimously carried.

Review of Tabled Application for Robert Breslin

The Board reviewed the tabled application for Robert Breslin. Ms. Williams advised the Board that she did contact the NAAB and the NAAB advised that Mr. Breslin's degree is not an accredited degree. Ms. Williams further advised that Mr. Breslin requested that the Board review his degree transcript to determine if the education received is deemed to satisfy this requirement. The Board advised that since the degree is not a NAAB accredited degree his degree is not accepted therefore his letter of response needs to state the he can pursue the BEA route to becoming NCARB certified.

Ms. Williams inquired about section 307 (1) of the statute in which it states "...or shall have completed such other education as the Board deems equivalent." Mr. Kerber advised that the Board has determined that the BEA route to NCARB certification is what is deemed equivalent to having an NAAB accredited degree. Mr. Jennings further clarified the BEA process in determining the degree requirement is fulfilled.

Delegation of Licensure Authority: James Collins, Division Director

Kay advised the Board of the last meeting in January of the delegation of licensure authority to give the Board office authority to issue licenses to reciprocal applicants who have a NCARB certificate and that the Board wanted time to think about this topic. Ms. Williams advised that the Board also asked for a more thorough paper checklist to ensure better accuracy in reviewing the NCARB certificate files by reciprocity. Ms. Bardol advised that due to the changes in staff to the Board and the Board members and consistency then it is best that the Board still review the NCARB reciprocity applicants. Mr. French advised that he believes that another alternative route is to have another Board member come in prior to the Board meeting to review these applications in order to assist with streamlining the licensure process. The Board advised that they would like to see a checklist rather than the worksheet developed. Ms. Neal advised that the worksheet is much more thorough than a checklist because it

makes the reviewer look in more detail to the application. Ms. Neal suggested that in addition to the worksheet a checklist be developed to stay in the file as well. The Board determined that they will review this agenda item again at the April meeting as the Board still has concerns.

5.0 New Business

Complaint 07-01-09

Complaint 07-01-09 was assigned to Ms. Bardol. Ms. Neal inquired as to the process to assigning a complaint. Ms. Bardol explained the complaint process to Ms. Neal.

Review of Reciprocity Applications – NCARB Certificate

The Board reviewed the NCARB reciprocity applications for Stephen J. Erwin, Nunzio M. DeSantis, Keith F. Hone, Erik J. Kocher, William C. McLees, Accordo Gaspare, Todd Gordon, and Ralph Bennett. A motion was made by Ms. McCool, seconded by Mr. Jackson, to approve the above applicants for licensure by Reciprocity with NCARB Certificate as Registered Architects. The motion was unanimously carried.

Review of Application by Direct Application

The Board reviewed the direct reciprocity application for Elizabeth J. Sheehan, Eric Thomas, and Timothy O'Neill. A motion was made by Mr. Jackson, seconded by Ms. McCool to approve the above the above applicants for licensure by Direct Application as Registered Architects. The motion was unanimously carried.

Review of Application by Written Examination

The Board reviewed the application by written examination for Daniella Pifano. Mr. French inquired if the degree earned was an accredited degree. The Board found that Ms. Pifano's degree was evaluated through the Educational Evaluation Services of Architects (EESA) through the National Architectural Accrediting Board (NAAB) of NCARB. NCARB determined in Ms. Pifano's IDP file that she met the degree requirements. The Board questions if there is documentation that Ms. Pifano completed the additional requirements were received and met. Ms. McCool advised to contact NCARB to verify that Ms. Pifano met the three additional credits, need documentation showing proof of this completion. A motion was made by Mr. French seconded by Mr. Jackson to approve Ms. Pifano contingent upon verification with NCARB that the three credits short of her degree evaluation have been documented and satisfied. The motion was unanimously carried. Ms. Williams will contact NCARB via a phone call to verify this information for Ms. Pifano's degree.

Wall Certificates

Ms. Bardol and Ms. McCool signed the wall certificates submitted.

Certificate of Authorization Statue Revision – Mr. Kerber

Mr. Kerber advised of the draft language to the statute regarding the Certificate of Authorization. He advised that there are some questions and concerns to this statute change. Mr. French inquired if the Committee should take a detailed look at this statute language. Mr. Kerber advised that it should be reviewed closely by the Committee and an update provided to the Board.

6.0 Other Business Before the Board (for discussion only)

Mr. French discussed with Mr. Kerber his additional concerns for follow up.

7.0 Public Comment

There was no public comment.

8.0 Next Scheduled Meeting

The next meeting will be held on April 1, 2009 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

9.0 Adjournment

There being no further business before the Board, Ms. McCool made a motion seconded by Mr. Jackson to adjourn the meeting at 3:57 p.m. The motion was unanimously carried.

Respectfully submitted,

A handwritten signature in cursive script that reads "Nicole M. Williams".

Nicole M. Williams
Administrative Specialist II